



Smithsonian Institution

Office of General Counsel

VIA ELECTRONIC MAIL: 6263-78945145@requests.muckrock.com

August 30, 2013

Tom Nash
MuckRock News
DEPT MR 6262
P.O. Box 55819
Boston, MA 02205-5819

Re: Your Request for Smithsonian Records (request number 40283)

Dear Mr. Nash:

This responds to your request dated and received in this Office on July 15, 2013, for copies of the contract(s) issued since 2009 for food services at the National Air and Space Museum (NASM). The Smithsonian process requests for records in accordance with Smithsonian Directive 807 - Requests for Smithsonian Institution Information (SD 807) and applies a presumption of disclosure when processing such requests. The policy is posted on our website at www.si.edu/about/FOIA and is enclosed for your reference.

Please note that page four of SD 807 states that the Smithsonian's records disclosure policy "does not apply to contracts/agreements directly related to the Smithsonian's revenue-generating activities entered into prior to November 30, 2007, in which parties contracting with the Smithsonian entered into a contractual relationship with an expectation that the terms of the agreement would not be disclosed to the public." As such, because the responsive material – the Smithsonian's agreement with the McDonald's Corporation for food services at NASM – predates 2007 and contains a confidentiality clause, it is not subject to disclosure under SD 807.

This concludes the Smithsonian's response to your request. Thank you for your interest in the Smithsonian.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sanet".

Jessica Sanet
Assistant General Counsel

Enclosure

You have the right to appeal a partial or full denial of your request. Your appeal must be in writing, addressed to the Smithsonian Institution Office of General Counsel at the address below, and made within sixty days from the date of this response letter. Your letter must explain your reason(s) for the appeal. The Smithsonian Under Secretary for Finance and Administration will decide your appeal and will respond to you in writing, specifying the reason(s) for granting or denying the appeal.